



INDIANAPOLIS-MARION COUNTY FORENSIC SERVICES AGENCY

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EVIDENCE SUBMISSION GUIDELINE #12

PHYSICAL EVIDENCE IN SEXUAL ASSAULT INVESTIGATIONS

Physical evidence in sexual assault cases can assist in establishing pertinent information about the crime, aid in identification or elimination of a suspect, and/or be used to corroborate or dispute statements. The evidence most often encountered in sexual assault cases includes semen, hairs, fibers and blood.

I. LAW ENFORCEMENT PERSONNEL

CRIME SCENE – Process the crime scene systematically for evidence to identify suspect(s), establish the occurrence of the crime, and verify or dispute statements of witnesses, victims, or suspects.

Collect all items at the scene having possible evidentiary value such as bedding, clothing, cigarette butts, etc. Permit all body fluid stains to completely air dry. Collect the bedding upon which the assault occurred by folding toward the center. Package all items of evidence separately in paper bags, especially those that could be lost or displaced in handling. Forensic Evidence Technicians at the IMCFSA are available whenever needed to assist the investigating agency. They may be contacted at (317) 327-3670.

II. MEDICAL PERSONNEL

Sexual assault cases have the potential for large amounts of significant evidence. In this unique situation, the investigator or police officer is not able to collect the physical evidence from the victim's person, or in most cases be present when the evidence is collected. The collection of this evidence can only be done by health care personnel during the medical examination of the victim. In order for the crime laboratory to receive the best possible evidence, it is necessary for the medical personnel to be acutely aware of proper and complete evidence collection.

A. Chain of Custody

It is important that a chain of custody be maintained. A procedure should be developed to insure that all persons who are responsible for keeping or handling evidence can be easily traced. Evidence should be handled by as few persons as possible.

Hospitals should establish a uniform policy as to who is responsible for:

1. Collecting all necessary specimens and other evidentiary material.
2. Marking all evidence with the victim's name and the contents of each container.
3. Obtaining consent for release of evidentiary material.
4. Notifying the police agency that the evidentiary material has been collected.
5. Turning the evidence over to the police agency in charge of the case.

B. Instructions for Collection of Evidence

1. Clothing

- When the victim consents, her clothing should be collected and submitted for examination. Generally, the articles of clothing closest to the victim's body at the time of the assault and/or immediately thereafter should be submitted for examination. All clothing submitted should be placed in separate paper bags.
- Label the bags with the patient's name, contents, and the collector's name.
- Seal each bag with non-removable evidence tape, plastic package sealing tape, or cellophane tape. Initial across the edges of the tape in several places with a permanent marker. Be careful not to shake the clothing as hair and fibers on the clothing may be of evidentiary value.

2. Semen Stains on the Body

- If the pubic hairs appear to be matted with seminal material cut the pubic hairs containing the suspected semen and package separately in an appropriately labeled envelope.
- To collect suspected dried seminal material on skin, slightly moisten a cotton swab with distilled water and swab the suspected seminal stain. **AIR DRY** the swab and seal in an appropriately labeled envelope.

3. Vaginal/Cervical Swabs

- **AIR DRY** the swabs taken from the vaginal and cervical areas and seal in an appropriately labeled container.

4. Vaginal Wash

- Wash the vaginal cavity with approximately 10 ml of saline and place the fluid in a test tube. Label the tube with the victim's name and contents. The purpose of the wash is to insure collection of all foreign material in the vaginal cavity. **It is important to make the swabs and slides prior to the vaginal wash.**

5. Oral and/or Rectal Swabs

- If anal and/or oral sex is indicated, swabs should be collected.
- **AIR DRY** the swabs and seal in appropriately labeled container(s).

6. Victim's Pubic Hair Combing

- Using a new, unused comb, comb the pubic area, collect the combings and place them in an envelope. Seal the envelope and label with the victim's name and contents.

7. Victim's Pubic Hair Standard

- Have the victim **pull** (not cut or tweeze) at random approximately 30 pubic hairs. With fewer hairs an analysis may not be attempted. Place the hair in an envelope, seal and label with the victim's name and contents.

8. Victim's Head Hair Combing

- Using a new, unused comb, gently comb the head hair, collect the combings and place them in an envelope. Seal the envelope and label with the victim's name and contents.

9. Victim's Head Hair Standard

- Have the victim **pull** (not cut or tweeze) at random approximately 50 head hairs from different parts of the head. All colors of hair present must be collected. With fewer hairs an analysis may not be attempted. Place the hair in an envelope, seal and label with the victim's name and contents.

10. Blood Sample

- Use a purple top vacutainer containing EDTA to draw blood samples for DNA analysis. Label the vacutainer with the victim's name.

11. Bite Marks

- A cotton-tipped swab should be used to swab the area within the bite mark ring. Swabbing should be done by saturating the swab with distilled water, draining off the excess water by gently touching it against filter paper, swab area using a gentle rolling motion, thoroughly the area within the bite mark "ring," **AIR DRY**, and place the swab into an appropriately labeled envelope.
- Using a second swab, a control swabbing must also be made of an area adjacent to the bite mark. **AIR DRY** the swab and place the swab into an appropriately labeled envelope.
- If possible, bite marks should be photographed to show as much detail as possible, both with and without a scale. With a living victim, the victim and/or their legal guardian should be informed as to the purpose and potential utilization of the photographs. Photographs of bite marks may aid in identifying the biter by tooth alignment. Also bite marks may show additional detail in a few days when bruise discoloration develops and the victim could be requested or provide for additional photographs. Crime Scene Specialists are available for photographing bite marks or other physical injuries.

Place collected items 2-12 in a sexual assault victim kit or paper bag and seal with a non-removable evidence tape, plastic package sealing tape or cellophane tape and initial. Label the outside of the kit with the victim's name, date and the name of the attending physician and/or nurse. Also on the outside of the sexual assault evidence kit, please note in bold lettering medical observations of the patient such as the presence of active venereal disease and identification (if possible), and/or the presence of parasites and identification (if possible), and/or the presence of vaginal and/or menstrual bleeding.

An application for benefits for the victim to cover medical costs should be completed. These forms are provided in Indiana State Police Victim Sexual Assault Kits or are available from *Sex Crime Victim Services Fund*, 601 State Office Building, Indianapolis, IN 46204; telephone number: (317) 232-0157.

Keep the collected evidence secured in a refrigerator until given to the investigating officer. If additional evidence such as clothing is to be sent to the laboratory for examination, store these items in a secured area, preferably a refrigerator, until given to the investigating officer.

III. **MEDICAL AND/OR LAW ENFORCEMENT PERSONNEL**

The written consent of the suspect or, if a juvenile, his legal guardian or a court order must be obtained before beginning the following collection process. Suspect Evidence Collection Kits are available for evidence collection. Specimens provided to the I-MCFSA laboratory should be collected in the following order.

1. Clothing

If the suspect is apprehended within a reasonable time, the suspect's clothing should be submitted for examination. All clothing submitted should be placed in separate paper bags. Seal the bags with non-removable evidence tape, plastic package sealing tape or cellophane tape and label the bags with the suspect's name, contents, and the collector's name. Be careful not to shake the clothing as hair and fibers on the clothing may be of evidentiary value.

2. Suspect's Pubic Hair Combing

If the suspect is apprehended within a reasonable time, using a new unused comb, comb the pubic area, collect the combings and place them in an envelope. Seal the envelope and label with the suspect's name and contents.

3. Suspect's Pubic Hair Standard

Have the suspect pull (not cut or tweeze) at random approximately 30 pubic hairs. With less hair an analysis may not be attempted. Place the hair in an envelope, seal and label with the suspect's name and contents.

4. Suspect's Head Hair Standard

Have the suspect pull (not, cut or tweeze) at random approximately 50 head hairs. With less hair, an analysis may not be attempted. Place the hair in an envelope, seal and label with the suspect's name and contents.

5. Penile Swab

If a suspect is arrested within 24 hours of the incident, penile swabs should be collected using moistened, clean cotton swabs. Swabbing should be done by saturating the swab with distilled water, draining off the excess water by gently touching it against filter paper and rubbing thoroughly the area. Swabs should be **AIR DRIED**, sealed in an envelope and labeled with the suspect's name and contents.

6. Blood Sample

Use a purple top vacutainer tube containing EDTA to draw blood samples for genetic marker profiling. Label the vacutainer with the suspect's name.

Place collected items 2-7 in a Suspect Sexual Assault Kit or paper bag and seal with evidence tape or other permanent tape. Label the outside of the kit with the suspect's name, date and the name of the attending physician and/or nurse. Also on the outside of the suspect sexual assault evidence kit, please note in bold lettering medical observations of the patient such as the presence of active venereal disease and identification (if possible), and/or the presence of parasites and identification (if possible).

If the crime occurred in Marion County and the victim is at a Marion County hospital, the evidence will be placed in a locked I-MCFSA refrigerator in the emergency room. Each Monday an I-MCFSA Forensic Evidence Technician collects this evidence and takes it to the lab for processing.

If the crime occurred in Marion County but the victim goes to an out-of-county hospital, the investigating officer should bring the evidence back to the IMPD Property Room, keeping it properly secured in a refrigerator until it can be obtained by lab personnel.

The proper collection of evidence is critical for serological testing procedures. If a question arises, please feel free to call the I-MCFSA laboratory:

Indianapolis: (317) 327-3670
Laboratory hours are 8:00 a.m. to 4:00 p.m.; Monday through Friday.

Evidence Submission Guideline #12 adapted from Indiana State Police Laboratory Physical Evidence Bulletins.

ESG #12
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